

VIRGINIA:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Richmond Division

UNITED STATES OF AMERICA)

)

)

v.)

Case No.: 3:12CR -18

)

MICHAEL D. GRIFFIN,)

)

Defendant.)

MOTION PURSUANT TO U.S.S.G. § 5H1.6 and 5K2.0

The Defendant, Michael D. Griffin, by counsel, Ernest P. Gates, Jr., Esquire, moves this Court, pursuant to U.S.S.G. § 5H1.6 and 5K2.0 to grant up to a four-level downward departure based on the Defendant's extraordinary family ties and the totality of all circumstances. The Defendant is filing simultaneously herewith his Sentencing Position setting out the factual basis and arguments for his request.

Respectfully submitted,

/s/

Ernest P. Gates, Jr. (VSB# 21101)
Attorney for Michael D. Griffin, defendant
CowanGates PC
1930 Huguenot Road
P.O. Box 35655
Richmond, VA 23235
Phone: (804) 320-9100
Fax: (804) 320-2950
rgates@cowangates.com

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of May, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Jessica A. Brumberg
Assistant United States Attorney
U.S. Department of Justice
United States Attorney's Office, Eastern District of Virginia
600 E. Main Street, Suite 1800
Richmond, VA 23219
Phone: (804) 819-5400
Fax: (804) 771-2316
Jessica.A.Brumberg@usdoj.gov

And

Joseph E. H. Atkinson
Special Assistant United States Attorney
United States Attorney's Office
600 East Main Street, Suite 1800
Richmond, VA 23219
Phone: (804) 819-5400
Fax: (804) 771-2316
jehatkinson@oag.state.va.us

/s/Ernest P. Gates, Jr.

Ernest P. Gates, Jr. (VSB# 21101)
Attorney for Michael D. Griffin, defendant
CowanGates PC
1930 Huguenot Road
P.O. Box 35655
Richmond, VA 23235
Phone: (804) 320-9100
Fax: (804) 320-2950
rgates@cowangates.com